

48. A confection unit according to claim 46, wherein said preservative agent is selected from a group comprising sorbic acid and its salts, propionic acid and its salts, benzoic acid and its salts, hydroxybenzoates.

49. A confection unit according to claim 46, wherein said acidifying agent is selected from a group comprising citric acid, tartaric acid, metatartaric acid, malic acid.

50. A confection unit according to claim 46, wherein said stabilising and thickening agent is selected from a group comprising starch, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and its derivatives, xantan gum.

REMARKS

The new set of claims 20 to 50 overcomes the Examiner's objections insofar as formal matters are concerned. In particular, no multiple dependent claim of the amended set of claims depends on another multiple dependent claim.

The wording of the claims has been modified in such a way as to address the invention to a "pre-mix of additives" rather than a "compound" for preparing a food product (claims 20-44) or to a "confection unit containing a pre-mix of additives" rather than a "confection unit containing a compound" for preparing a food product (claims 45-50). This corresponds inherently to the nature of the invention which can be better defined as providing a particular selection of additives for food processing as distinct from a generic compound for food preparation.

It is now clear from the wording of the amended claims that no food is included in the pre-mix according to the invention, so that the pre-mix according to the invention as such can be adopted in connection with a variety of food preparations.

In this connection, the Examiner's rejection based on Kahn et al is respectfully traversed, because Kahn et al fails to disclose a pre-mix of additives for food preparation, but simply discloses a receipt containing a number of ingredients, including not only additives, but also specific food products needed for the final food preparation described.

The disclosure of Kahn et al does not differ from the prior art indicated in the specification of the application as filed originally, since the acknowledged prior art comprises fruit sauces prepared by a food processing manufacturer and having

different tastes, such as for example the apple filling disclosed in Example 3 of Kahn et al. (See page 1, paragraphs 1 and 2 of the PCT application as published.)

It is acknowledged that Example 3 of Kahn et al discloses mixing a number of ingredients amongst which some of the claimed additives are included. See column 16 lines 8 and 9. However, those additives are disclosed only in connection with a particular selection of fruit (i.e. apple pieces) and mixed together only for preparation purposes (the ingredients "are mixed until uniform"); thus Kahn et al can be considered as anticipating the claimed invention only by adopting a hindsight analysis.

In other words, Kahn et al does not disclose the crux of the claimed invention which consists in isolating a pre-mix of additives having a number of functions (i.e. preservative, anti-oxidant, acidifying, stabilizing and thickening) which can be used by incorporating it in a food preparation comprising for example, pieces of fresh fruit.

The idea of isolating such pre-mix of additives is not taught nor suggested by Kahn et al, which rather teaches that the additives are mixed to food ingredients to obtain a filling which has the pieces of fruit inside of it and thus teaches away from the claimed invention. Nowhere Kahn et al teaches that the additives can be isolated from the food ingredients and sold as such in order to be used irrespective of the particular food desired by the user.

The invention makes available a general-purpose pre-mix of additives which can advantageously be employed in many fields of food processing, for example when a fruit salad, or a fruit sauce, is to be prepared.

By using the pre-mix of additives according to the invention, the user achieves a significant simplification of processing, since, on one hand, he does not require to purchase a number of sauces of various fruits and, on the other hand, he can prepare the amount of sauce or fruit salad in accordance with the potential request of the public, or with the availability of fresh fruit in the particular season of the year concerned.

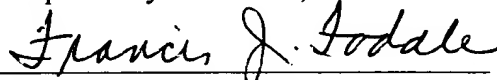
It is believed that the invention as claimed in the amended set of claim attached is therefore new and inventive over the prior art.

Examination of claims 20-50 in view of the foregoing remarks is respectfully requested.

Check no 5195 is enclosed in the amount of \$1,286.00 to cover the cost for the 3 Month Extension of Time, two (2) independent claims in excess of three (3) and for eleven (11) claims in excess of twenty (20).

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 50-0852.

Respectfully submitted,



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